# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 464 OF 2003

SHRI ANTHONY REBELLO, ....Petitioners
CURCHOREM-GOA.

Versus

STATE OF GOA AND 7 ORS., ....Respondents

SHRI AMRUT KANSAR,AG WITH MRS.W. COUTINHO,

Coram:- R. J. KOCHAR &
P. V. HARDAS, JJ.

Date:- 10th November, 2003

Having considered the rival submissions and in particular perusing the averments in paragraphs 10 and 11 of the reply affidavit filed on behalf of the Respondent No.4, we find no substance in this Writ Petition for it is clearly stated in the said affidavit that the petitioner became due for consideration for the first time as against 10 vacancies of 2002 and he was considered for promotion along with 23 other officers, but the officers who had secured higher grading were preferred to the petitioner as the vacancy was to be filled on merit-cum-seniority basis. Besides, in paragraph 12 of the reply affidavit, it is further stated that the petitioner was considered for promotion in 2003 along with 9 officers and was assessed as 'Good', whereas other

officers who have been appointed against 3 vacancies had secured higher grading i.e. 'Very Good' for which they superceded the petitoner. To get over this position, learned counsel for the petitioner contends that it was obligatory on the part of the authoritie s to prepare a select panel as the petitioner had secured "good" bench mark and he ought to have been included in the said panel at appropriate place. In support of this submission, he has relied on Ground 21(iii) of the petition However, there is no substance even in this submission. The petitioner would draw support from the provisions contained in Office Memorandum being clause (ii) of 5.3.1 that since for the post in the level of RS.3700-5000 and above as there is specific provision for preparing select panel, similar procedure should apply even to the Group C, Group B and Group A posts to which the petitioner claims promotion.

Learned Advocate General has submitted that so far as the petitioner is concerned, he was considered along with others as stated in the affidavit-in-reply and having secured only "good" ben bench mark, preference was given to candidates who had secured higher grading i.e. 'Very Good' and above, filling 10 vacancies of 2002 and even

the subsequent three vacancies of the year 2003. Moreover, in so far as Groups A, B, and C category posts are concerned, there is no practice of preparing select panel.

In this view of the matter, we find no substance to entertain this petition. The same is dismissed.

R. J. KOCHAR, J.

P. V. HARDAS, J.